

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

In the Matter of the:

Petition of the City of Menasha for the Establishment of Two Public Crossings and the Closure of Two Public Crossings of the Wisconsin Central Ltd. Tracks with River Street in the City of Menasha, Winnebago County

9164-RX-544

FINAL DECISION

By letter dated February 25, 2004, the City of Menasha petitioned the Office of the Commissioner of Railroads (OCR) for the establishment of two public crossings of the Wisconsin Central Ltd. (WCL) tracks with River Street in the City of Menasha, Winnebago County. The City also petitioned for the closure of two existing public crossings of the Wisconsin Central Ltd. (WCL) tracks with River Street (crossing nos. 690 277Y / MP 1.17 and 179 895U / MP 208.08).

Jurisdiction: Secs. 195.28 and 195.29, Stats.

Pursuant to due notice, public hearing was held in this matter on March 30, 2004 in Madison, Wisconsin with hearing examiner Douglas S. Wood presiding.

On April 15, 2004, the hearing examiner issued a proposed decision. The OCR received no comments on the proposed decision. The Commissioner adopts the proposed decision as final without change.

Appearances:

Parties

City of Menasha, Petitioner
by
Stan Martenson, President
Martenson & Eisele, Inc.
1377 Midway Road
Menasha, WI 54952

As Interest May Appear:

Wisconsin Central Ltd.
by
Terry Lee, PE
Manager Engineering Services
1625 Depot Street
Stevens Point, Wisconsin 54481

Findings of Fact

THE COMMISSIONER FINDS:

The City of Menasha proposes to establish two public crossings of the Wisconsin Central Ltd. tracks with relocated River Street. The City also plans to eliminate two existing public crossings of the WCL tracks with River Street. The City plans to vacate a portion of existing River Street and relocate it to the north.

Since the City plans to vacate River Street through the existing crossings the OCR does not need to order the closure of those two crossings. The City plans to convert one of these crossings, a two-track crossing near the Alcan Packaging Plant to a private crossing. The OCR lacks jurisdiction over private crossings so that matter will have to be negotiated between the WCL, the private party, and the city. **The hearing examiner recommends** that the establishment of the two new crossings be approved contingent upon the vacation of the street at the two public crossings.

River Street will be re-routed beginning at its intersection with Washington Street. That intersection will be relocated approximately 75' to the south, which will allow the elimination of one of the existing River Street crossings. Currently, the track extends across River Street at very skewed angle and crosses Washington Street in the middle of the River Street/Washington Street intersection. Cars frequently stop on top of the tracks at that intersection.

In addition, at present there is a parking lot located to the west of Washington Street that essentially surrounds the tracks. Vehicles parking in this lot drive along and over the tracks to enter and exit the lot. The tracks basically run down the middle of the traffic aisle in the parking lot. With the relocation of River Street the City plans to purchase that property, turn it into green space, and provide parking at another location.

From Washington Street, relocated River Street will run west along the south edge of a canal. River Street provides the only public access to a peninsula formed by the canal and the Fox River.

River Street will then cross a spur track of the WCL before turning south and west and crossing the north-south WCL main line. The crossings will be approximately 250' apart measured along the roadway.

Reconstructed River Street will be 37' wide between the back of curbs and will intersect the spur track at angle of about 40° and the main line at an angle of about 75°. The roadway approaches to both crossings will be essentially flat. Stormwater drainage will be provided by storm sewers.

River Street carried 568 ADT (average daily traffic) in 2003. The City projects traffic on River Street will remain constant because the limited area it serves is already developed. The relocation of employee parking lots will likely reduce the total number of vehicles going over the crossings by about 100 ADT. The speed limit is and will remain 25 mph.

The railroad currently operates up to 10 train movements per day over the proposed main line crossing and up to 6 trains per day over the spur track crossing. Train speeds at both locations are typically

between 10 mph and 20 mph. The crossings are located within yard limits.

Sight distances at the proposed crossings will be better than the existing conditions.

A driver traveling at 25 mph needs a distance of 187' to stop safely. Each crossing will be visible from 187' in each direction. Assuming a train speed of 20 mph, a driver traveling at 25 mph needs to see a train when it is 210' from the crossing from a point 187' down the highway. Sight distance will be adequate for the spur track crossing in all quadrants.

Sight distance will be adequate in all quadrants except the northwest, at the north-south crossing. A building limits the view to about 80' down the tracks from the safe stopping distance in that quadrant.

The exposure factor at the spur track crossing will be up to about 3000. The exposure factor at the north-south crossing will be about 5000. The exposure factor equals the product of the number of trains per day and the number of highway vehicles per day, which yields a numerical value for the potential conflicts each day at the crossing.

Crossbucks and advance warning signs will adequately protect public safety at the spur track crossing based on the exposure factor and adequate sight distance.

In order to adequately protect public safety at the **north-south** track crossing, 12" LED automatic flashing lights are needed based on the higher exposure factor and the inadequate sight distance in the northwest quadrant.

The overall project will promote public safety and convenience by improving the sight distance compared to the existing crossings, by eliminating the parking lot/rail line conflict, by allowing for safer truck docking at Sonoco, and by eliminating train-vehicle conflict at the existing Washington Street/River Street intersection.

Source of funding: The City of Menasha will pay all costs associated with the construction of the crossings.

Ultimate Conclusions on the Issues

THE COMMISSIONER CONCLUDES:

1. That the establishment of the crossings at-grade of River Street with the Wisconsin Central Ltd. tracks in accordance with the design plans of the City of Menasha in the City of Menasha, Winnebago County will promote public safety and convenience.
2. That establishment of the crossings is advisable under all the circumstances.
3. That in order to adequately protect and promote public safety, it is necessary to install and maintain reflective crossbucks and advance warning signs at the spur track crossing.

4. That in order to adequately protect and promote public safety, it is necessary to install and maintain 12" LED automatic flashing lights and advance warning signs at the north-south crossing.

5. That it is reasonable that the Wisconsin Central Ltd. bear no part of the cost for the crossing construction.

Conclusion of Law

THE COMMISSIONER CONCLUDES:

That the jurisdiction of the Office of the Commissioner of Railroads under §§195.28 and 195.29, Stats., extends to this matter. Accordingly, the Office enters an order consistent with the findings of fact.

Order

THE COMMISSIONER ORDERS:

1. That the **Wisconsin Central Ltd.** shall install and maintain two crossings at-grade of River Street with its tracks in accordance with the design plans of the City of Menasha in the City of Menasha, Winnebago County by **August 1, 2005, provided** that the City of Menasha vacates the River Street through the existing crossings.

2. That the **Wisconsin Central Ltd.** shall install and maintain retroreflective back-to-back crossbucks with 2" wide reflective vertical strips on the front and back of the support posts on each approach to the **spur track crossing** of its tracks with River Street at-grade in the City of Menasha, Winnebago County by **August 1, 2005**.

3. That the **Wisconsin Central Ltd.** shall install and maintain 12" LED automatic flashing lights with gates, constant warning time circuitry, and other appropriate appurtenances in accordance with such plans as are filed with and approved by the Office of the Commissioner of Railroads at the **north-south crossing** of its tracks with River Street at-grade in the City of Menasha, Winnebago County by **August 1, 2005**.

4. That the **Wisconsin Central Ltd.** shall submit to the Office of the Commissioner of Railroads signal and circuit plans with the cost estimate of its proposed installation and upon completion of the signal project, a detailed statement of the actual cost to the Office and to the **City of Menasha**.

5. That the signal installation work herein ordered shall not begin until the **City of Menasha** informs the railroad that they may start such work and such start notice will not be issued until appropriate federal aid or other funding arrangements have been assured. The cost of the new project initiated before the start notice will not be reimbursed with public funds and shall be the responsibility of the railroad.

6. That the **City of Menasha** shall install and maintain advance warning signs (sign W10-1) a distance from the crossing in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) on each approach to the **spur track crossing** by **August 1, 2005**.

7. That the **City of Menasha** shall install and maintain advance warning signs (sign W10-1) a distance from the crossing in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) on each approach to the **north-south crossing** by **August 1, 2005**.

8. That the **Wisconsin Central Ltd.** shall bear no part of the cost of the crossing construction, except for any cost assessed to the railroad pursuant to §195.60, Stats., for the investigation of this matter by the Office. The railroad shall not pass on those assessment costs either directly or indirectly.

9. That jurisdiction is retained.

Dated at Madison, Wisconsin, _____.

By the Office of the Commissioner of Railroads.

Rodney W. Kreunen
Commissioner of Railroads

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